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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,115	11/13/2003	Matthew Wade Ellison		7673

30955 7590 11/30/2005

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BOULDER, CO 80301

EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/712,115

Applicant(s)

ELLISON, MATTHEW WADE

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. Claim 5, line 1, recites "one or more" in line 2. Applicant's use of "one or more" fails to positively define applicant's invention and renders the claim indefinite. It is unclear as to whether applicant is claiming a single edge section or a plurality of edge sections. It is suggested that applicant amend "one or more" to –at least one—for clarity.
3. Claim 6, line 1, recites "one or more" in line 4. Applicant's use of "one or more" fails to positively define applicant's invention and renders the claim indefinite. It is unclear as to whether applicant is claiming a single fastener or a plurality of fasteners. It is suggested that applicant amend "one or more" to –at least one—for clarity.
4. Claim 7, line 1, recites "one or more grind plates". Applicant's use of "one or more" fails to positively define applicant's invention and renders the claim indefinite. It is unclear as to whether applicant is claiming a single grind plate or a plurality of grind plates. It is suggested that applicant amend "one or more" to –at least one—for clarity.
5. Claim 8, line 1, recite "one or more grind plates" in line 2. Applicant's use of "one or more" fails to positively define applicant's invention and renders the claim indefinite.

It is unclear as to whether applicant is claiming a single grind plate or a plurality of grind plates. It is suggested that applicant amend "one or more" to –at least one—for clarity.

6. Claim 9, line 1, recite "one or more grind plates" in line 2. Applicant's use of "one or more" fails to positively define applicant's invention and renders the claim indefinite.

It is unclear as to whether applicant is claiming a single grind plate or a plurality of grind plates. It is suggested that applicant amend "one or more" to –at least one—for clarity.

7. Claim 10, line 2, recite "one or more" in line 2. Applicant's use of "one or more" fails to positively define applicant's invention and renders the claim indefinite. It is unclear as to whether applicant is claiming a single fastener or a plurality of fasteners. It is suggested that "one or more" be amended to –at least one--.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjork (US Patent 2,225,293).

Bjork teaches a gliding board including a board body and a plurality of interchangeable edge sections (14, 15). The edge sections are capable of being removed from and replaceable to the board body. Bjork teaches varying the thickness of the metal edges (14, 15) as well as varying the flexibility of the metal edges. The

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edges are attachable to the ski via screws (28). See the discussion in column 3, lines 55-68 regarding the edge sections and the desire to prevent movement of the sections **during use**, as evidenced by the phrase “with the resultant “spilling” or “upsetting” of the skier.”

9. Claims 7, 8, 10 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess (US Patent 6,062,585).

Hess teaches a gliding board including a board body; edges (4, 5); and removable grind plates (7) manufactured of metal, steel or plastic, as taught in column 4, lines 33-36. The grind plates are connected to the gliding board via fastening bolts (22) as well as by tongue and groove. See column 5, lines 6-11 and Figures 7-15. Re claim 13, Figures 8-10 show a grind plate (7) mounted substantially flush with the edge (4). Figure 15 clearly shows that the grind plates extend along a center region of the board body. Re claims 15-20, see column 2, lines 44-56.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjork ('293) in view of Ford (US Patent 4,083,577).

Bjork teaches the features described above.

Bjork lacks the teaching of dull edges.

Ford teaches dull/rounded edges in column 3, lines 17-24.

Based on the teachings of Ford, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the ski of Bjork to include dull edges to provide for a very easy and natural turning technique, for as the angle of the edging is increased the inward couple is provided more and more by a toe-up/heel-down pressure which the foot and leg muscles are well endowed to exert, as taught in column 6, lines 29-54.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess ('585) in view of Benner (US Patent 3,924.865).

Hess teaches the features described above.

Benner teaches a grind plates that can vary in flexibility.

Based on the teachings of Benner, it would have been obvious to one having ordinary skill in the art, to modify the grind plates to vary the thickness and flexibility of the grind plates to further modify/change the overall running characteristics, gripping power, turning properties of the ski, permitting an adaptation of the ski to the running experience of the skier and to the snow conditions.

12. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjork ('293).

Bjork lacks the teaching of making the edge sections using composite materials and the teaching of using more than one material for a single edge section.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to manufacture the edge sections using composite materials or to use more than one material for a single edge section, since it has been held to be within the general skill of a worker in the art to select a known material for durability or flexibility.

### ***Response to Arguments***

Applicant's arguments filed September 7, 2005 have been fully considered but they are not persuasive.

Re claims 1-4 and 6, contrary to applicant's arguments the edge sections of Bjork ('293) are capable of being removed and replaced on the gliding board. Bjork clearly discloses edge sections that are interchangeable, as stated in column 4, lines 43-48. It would have been counterintuitive to form interchangeable edge sections for a board if the sections are "difficult or impossible" to remove, as suggested by applicant. Merriam-Webster's Collegiate Dictionary Tenth Edition defines interchangeable as "capable of being interchanged; esp: permitting mutual substitution. Clearly, Bjork's teaching of "sections having the same form as the sections constituting the runner upon the opposite side of the ski, so that all sections are interchangeable" refers to "mutual substitution" of one edge section for another. In no way does Bjork advocate that the edge sections are permanently fixed.

Re claims 2-4 and 6, contrary to applicant's argument, the metal runners taught by Bjork are edge sections.

Re claims 7-10, Hess clearly teaches edges (4, 5) and grind plates (7, 8). The grind plates (7, 8) are laterally with respect to the edges (4, 5) and are removably and replaceably attached to the board body.

Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

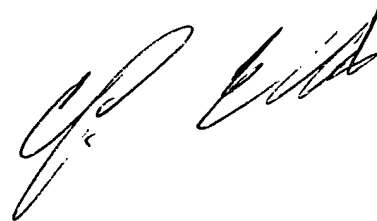


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14. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.

  
Avery

November 28, 2005



CHRISTOPHER P. ELLIS  
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TECHNOLOGY CENTER 3618